

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1879

Chapter 300, Laws of 1995

54th Legislature
1995 Regular Session

JUVENILE OFFENDERS--COSTS OF TREATMENT AND CONFINEMENT

EFFECTIVE DATE: 5/9/95

Passed by the House April 19, 1995
Yeas 94 Nays 1

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 12, 1995
Yeas 47 Nays 1

JOEL PRITCHARD

President of the Senate

Approved May 9, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1879** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 9, 1995 - 4:12 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1879

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Representative Boldt

Read first time 02/13/95. Referred to Committee on Corrections.

1 AN ACT Relating to costs of juvenile offenders; and amending RCW
2 13.40.220; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.40.220 and 1994 sp.s. c 7 s 529 are each amended to
5 read as follows:

6 (1) Whenever legal custody of a child is vested in someone other
7 than his or her parents, under this chapter, and not vested in the
8 department of social and health services, after due notice to the
9 parents or other persons legally obligated to care for and support the
10 child, and after a hearing, the court may order and decree that the
11 parent or other legally obligated person shall pay in such a manner as
12 the court may direct a reasonable sum representing in whole or in part
13 the costs of support, treatment, and confinement of the child after the
14 decree is entered.

15 (2) If the parent or other legally obligated person willfully fails
16 or refuses to pay such sum, the court may proceed against such person
17 for contempt.

18 (3) Whenever legal custody of a child is vested in the department
19 under this chapter, the parents or other persons legally obligated to

1 care for and support the child shall be liable for the costs of
2 support, treatment, and confinement of the child, in accordance with
3 the department's reimbursement of cost schedule. The department shall
4 adopt a reimbursement of cost schedule based on the costs of providing
5 such services, and shall determine an obligation based on the
6 responsible parents' or other legally obligated person's ability to
7 pay. The department is authorized to adopt additional rules as
8 appropriate to enforce this section.

9 (4) To enforce subsection (3) of this section, the department shall
10 serve on the parents or other person legally obligated to care for and
11 support the child a notice and finding of financial responsibility
12 requiring the parents or other legally obligated person to appear and
13 show cause in an adjudicative proceeding why the finding of
14 responsibility and/or the amount thereof is incorrect and should not be
15 ordered. This notice and finding shall relate to the costs of support,
16 treatment, and confinement of the child in accordance with the
17 department's reimbursement of cost schedule adopted under this section,
18 including periodic payments to be made in the future. The hearing
19 shall be held pursuant to chapter 34.05 RCW, the Administrative
20 Procedure Act, and the rules of the department.

21 (5) The notice and finding of financial responsibility shall be
22 served in the same manner prescribed for the service of a summons in a
23 civil action or may be served on the parent or legally obligated person
24 by certified mail, return receipt requested. The receipt shall be
25 prima facie evidence of service.

26 (6) If the parents or other legally obligated person objects to the
27 notice and finding of financial responsibility, then an application for
28 an adjudicative hearing may be filed within twenty days of the date of
29 service of the notice. If an application for an adjudicative
30 proceeding is filed, the presiding or reviewing officer shall determine
31 the past liability and responsibility, if any, of the parents or other
32 legally obligated person and shall also determine the amount of
33 periodic payments to be made in the future. If the parents or other
34 legally responsible person fails to file an application within twenty
35 days, the notice and finding of financial responsibility shall become
36 a final administrative order.

37 (7) Debts determined pursuant to this section are subject to
38 collection action without further necessity of action by a presiding or
39 reviewing officer. The department may collect the debt in accordance

1 with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The
2 department shall exempt from payment parents receiving adoption support
3 under RCW 74.13.100 through 74.13.145, ((and)) parents eligible to
4 receive adoption support under RCW 74.13.150, and a parent or other
5 legally obligated person when the parent or other legally obligated
6 person, or such person's child, spouse, or spouse's child, was the
7 victim of the offense for which the child was committed.

8 (8) An administrative order entered pursuant to this section shall
9 supersede any court order entered prior to June 13, 1994.

10 (9) The department shall be subrogated to the right of the child
11 and his or her parents or other legally responsible person to receive
12 support payments for the benefit of the child from any parent or
13 legally obligated person pursuant to a support order established by a
14 superior court or pursuant to RCW 74.20A.055. The department's right
15 of subrogation under this section is limited to the liability
16 established in accordance with its cost schedule for support,
17 treatment, and confinement, except as addressed in subsection (10) of
18 this section.

19 (10) Nothing in this section precludes the department from
20 recouping such additional support payments from the child's parents or
21 other legally obligated person as required to qualify for receipt of
22 federal funds. The department may adopt such rules dealing with
23 liability for recoupment of support, treatment, or confinement costs as
24 may become necessary to entitle the state to participate in federal
25 funds unless such rules would be expressly prohibited by law. If any
26 law dealing with liability for recoupment of support, treatment, or
27 confinement costs is ruled to be in conflict with federal requirements
28 which are a prescribed condition of the allocation of federal funds,
29 such conflicting law is declared to be inoperative solely to the extent
30 of the conflict.

31 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and shall take
34 effect immediately.

Passed the House April 19, 1995.
Passed the Senate April 12, 1995.
Approved by the Governor May 9, 1995.
Filed in Office of Secretary of State May 9, 1995.